

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

RICKIE A. WHEAT, )  
Plaintiff, )  
v. ) No. 6:09-CV-03142-DGK  
PHILIP MORRELL, and )  
WHISPERIDE, LLC, )  
Defendants. )

**ORDER DENYING REQUEST FOR ATTORNEYS' FEES**

Now before the Court is Defendants' Motion to Enforce Settlement Agreement (doc. 150), specifically Defendants' request for attorneys' fees which the Court previously took under advisement. In taking the request under advisement the Court noted the request was not an unreasonable one given Plaintiff and Plaintiff's counsel's delay in completing the settlement agreement. The Court also stated that the decision whether to award attorneys fees would be informed by Plaintiff's diligence going forward in fulfilling his obligations.

Since the June 13, 2011 order was issued Plaintiff has fulfilled all of his obligations, and the only item which remains to be completed is the parties' filing a joint stipulation of dismissal. Although the Court understands Defendants' frustration at having to file a motion to get Plaintiff to do what he agreed to do, the Court declines to award attorneys' fees here.

Defendants' Motion to Enforce Settlement Agreement (doc. 150) is DENIED.

**IT IS SO ORDERED.**

Date: July 7, 2011

/s/ Greg Kays  
GREG KAYS, JUDGE  
UNITED STATES DISTRICT COURT